



ELECTION NEWS

A special informational bulletin
on the conduct of the
November 7, 2006 general
election

Michigan Department of State - Terri Lynn Land, Secretary of State

Issue No. 39

October 27, 2006

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Reminder: Check Post Office for Absent Voter Ballots that Arrive on November 7!

Michigan election law, MCL 168.765(3), stipulates that on election day, the city or township clerk must contact the post office “at which the clerk regularly receives mail” and arrange to obtain any absent voter ballots being held at the post office in sufficient time to deliver the absent voter ballots to the appropriate precinct board by 8:00 p.m.

Given the above requirement, all city and township clerks must contact their local post office in advance of the November 7 general election to make arrangements to obtain any absent voter ballots that reach the post office on Tuesday, November 7. The requirement is designed to ensure that any and all absent voter ballots that reach the clerk’s post office on election day are counted – including those absent voter ballots that arrive in the post office after the clerk’s routine mail delivery on election day.

Document and Ballot Security Measures

Canvass documents: Michigan election law requires the Board of County Canvassers to seal all statement of votes forms and poll books in envelopes upon the completion of the canvass. Red paper seals may be used to comply with the security requirement.

Optical scan ballots: All program test materials and optical scan ballots must be sealed in an approved ballot container. The serial number appearing on the seal used to secure the ballot container must be recorded in the Poll Book, on the statement of votes forms and on the certificate affixed to the ballot container.

If a two-sided ballot container is used to store optical scan ballots, the “back door” must be permanently sealed prior to the election. (See *News You Can Use*, Issue 247, for sealing instructions.) Ballot containers with dual openings that are not properly sealed in advance of the election cannot be used to administer the November 7 general election.

Programs: removed from optical scan tabulators must be sealed in an approved ballot container. Programs cannot be erased or transferred to another electronic medium for extended retention until clearance is received from the Department of State’s Bureau of Elections.

Recount Reminders

- Michigan election law stipulates that a candidate who seeks nomination or election to the office of U.S. Representative in Congress, State Senator or State Representative who wishes to obtain a recount must file with the Secretary of State. Formerly, a candidate who sought nomination to the office of U.S. Representative in Congress, State Senator or State Representative who wished to obtain a recount in a district wholly contained within a single county filed with the county clerk. Please keep this change in mind if you are contacted by any U.S. House, State Senate or State House candidates who wish to seek a recount after the November 7 general election.
- County and local recounts requested after the November 7 general election may not be conducted until written clearance is received through the Michigan Department of State’s Bureau of Elections. All ballots, voting equipment, programs and other materials placed under security must remain sealed until instruction is received through the Bureau. A memo on the conduct of county and local recounts will be forwarded to the county clerks throughout the state in early December.
- A summary of the recount process is provided with this newsletter (*Chronology of Recount Process: November 7, 2006 General Election*).

Village Officers Elected on November 7 Assume Office November 20

The terms of the village officers elected at the November 7, 2006 general election commence on November 20. As many villages are electing their officers at a November general election for the first time this year, those township clerks who are responsible for administering a village election on November 7 are encouraged to remind the elected village officers of the November 20 term commencement date. (MCL 62.4; 62.5)

Submission of ID and Residency Verification Documents During 6-Day “Envelope” Ballot Evaluation Period Permitted

All city and township clerks are reminded that a voter who is issued an “envelope” ballot because he or she was unable to satisfy 1) the identification requirement and/or residence verification requirement detailed in the Four-Step Procedure form or 2) the federal identification requirement imposed on first-time mail registrants who have never previously voted in Michigan can satisfy the requirements during the 6-day “envelope” ballot evaluation period. A special notice prepared for voters who can take advantage of the allowance is provided with this newsletter.

It merits emphasis that the special notice provided with this newsletter does not replace the other voter notices developed to administer Michigan’s provisional balloting process. Thus, a voter who is issued an “envelope” ballot because he or she was unable to satisfy 1) the identification requirement and/or residence verification requirement detailed in the Four-Step Procedure form or 2) the federal identification requirement imposed on first-time mail registrants who have never previously voted in Michigan must receive two notices: the standard informational notice developed for such voters and the special notice provided with this newsletter.

Expanded listings of the documents a voter can use to satisfy the identity and/or residency verification requirements can be accessed through the Department’s website <www.michigan.gov/sos>.

Provisional Ballot Report Forms Due November 14: A Reminder for City and Township Clerks

City and township clerks who receive one or more “envelope” ballots after the polls close must evaluate the ballots within 6 days after the election to determine if the ballots can be counted. The four-step procedure form is designed to guide the precinct board on recording all of the information needed by the clerk to determine whether an “envelope” ballot can be counted. The clerk is not permitted to open a provisional ballot security envelope unless the clerk determines that the ballot can be counted. The procedure for handling “envelope” ballots returned to the clerk’s office is provided with this newsletter.

No later than the 7th day after the election, the city or township clerk must complete a “Provisional Ballot Report” form and submit it to the county canvassing board or local canvassing board as appropriate. The Provisional Ballot Report form documents the number of provisional ballots which were 1) counted or tabulated in the polls on election day and 2) secured in Provisional Ballot Security Envelopes for delivery to the clerk’s office after the polls close. The report further documents 1) the number of “envelope” ballots determined valid and counted and 2) the number of “envelope” ballots determined invalid and not counted. A Provisional Ballot Report form is provided with this newsletter.

A form developed for tallying and certifying the votes counted on valid “envelope” ballots (“Envelope Ballot Certification Form”) can be accessed through the Department of State’s website <www.michigan.gov/sos>.

Michigan's Provisional Balloting Process: Questions and Answers

In my jurisdiction, there were no provisional ballots which were counted in the polls ("affidavit" ballots) and there were no "envelope" ballots issued to voters. Are there any actions that I need to take?

No – however, you should contact your county clerk to advise that you will not be sending a Provisional Ballot Report as there were no "affidavit" ballots or "envelope" ballots issued in your jurisdiction.

In my jurisdiction, we issued an "affidavit" ballot which was counted in the polls, but we do not have any "envelope" ballots. What actions do I need to take?

You must complete a Provisional Ballot Report and transmit it to the county clerk no later than November 14, 2006.

In my jurisdiction, several "envelope" ballots were issued on election day and returned to my office after the close of the polls. What actions do I take?

You must use the Procedure for Handling Envelope Ballots Returned to Clerk's Office to determine if the returned "envelope" ballots are valid or invalid. If any "envelope" ballots are determined valid, they must be counted.

After completing the "envelope" ballot evaluation process and counting any "envelope" ballots determined valid, you must complete a Provisional Ballot Report and transmit it to the county clerk. If any "envelope" ballots are counted, you must also transmit an Envelope Ballot Vote Certification Form to the county clerk to document the votes counted on the valid "envelope" ballots. The forms must be transmitted to the county clerk no later than November 14, 2006.

When evaluating an "envelope" ballot for validity, do I need to find a registration completed by the voter which is dated before the registration deadline?

No. The "envelope" ballot counts if the voter signed the affidavit, confirmed his or her identity with an acceptable form of photo ID AND confirmed his or her residence in the precinct where the "envelope" ballot was issued with the photo ID OR by producing an acceptable alternative document (current utility bill, current bank statement, current paycheck or government check or any other government document). Finding a registration form for the voter is not necessary.

Can a voter who was 1) issued an "envelope" ballot on election day and 2) unable to meet the identity and/or residency verification requirements in the polls satisfy the identity and/or residency verification requirements after the election?

Yes. Such a voter can fax, mail or hand deliver any documents needed to satisfy the identity and/or residency verification requirements within 6 calendar days after the election (by November 13). Expanded listings of the documents a voter can use to satisfy the identity and/or residency verification requirements can be accessed through the Department of State's website <www.michigan.gov/sos>.

If I have “envelope” ballots which could be counted if the voter satisfies the identity and/or residency verification requirements during the 6-day “envelope” ballot verification period, should I contact the voters?

Yes, as every effort must be made to maximize the number of “envelope” ballots that can be counted.

If I have “envelope” ballots which could be counted if the voter satisfies the identity and/or residency verification requirements during the 6-day “envelope” ballot verification period, do I have to wait the full 6 days before I send the Provisional Ballot Report to the county clerk?

Yes, as you cannot be assured that you have all of the data needed by the county clerk for the completion of the canvass process until the 6 days has elapsed and there is no further opportunity for such voters to satisfy the identity and/or residency verification requirements.

Posting Absentee Voting Information on Election Day

Michigan election law, MCL 168.765(5), requires all city and township clerks to comply with the following posting requirements:

- The clerk must post before 8:00 a.m. on election day: 1) the number of absent voter ballots distributed to absent voters 2) the number of absent voter ballots returned before election day and 3) the number of absent voter ballots delivered for processing.
- The clerk must post before 9:00 p.m. on election day: 1) the number of absent voter ballots returned on election day 2) the number of absent voter ballots returned on election day which were delivered for processing 3) the total number of absent voter ballots returned both before and on election day and 4) the total number of absent voter ballots returned both before and on election day which were delivered for processing.
- The clerk must post immediately after all precinct returns are complete: 1) the total number of absent voter ballots returned by voters and 2) the total number of absent voter ballots received for processing.

A form which can be used to post the information specified above is provided with this newsletter.

Have a Question or Need Assistance?

If you have a question or need assistance with your election related duties, please do not hesitate to contact the Michigan Department of State’s Bureau of Elections. We will be happy to assist in any way possible!

Mailing address:	Michigan Department of State Bureau of Elections PO Box 20126 Lansing, MI 48901-0726
Phone:	(517) 373-2540
Email:	elections@michigan.gov
Fax:	(517) 241-4785



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Chronology of Recount Process: November 7, 2006 General Election

Certification of Results

- County Canvassing Boards convene at 1:00 p.m. on November 8, 2006 to initiate canvass of general election.
- County Canvassing Boards complete canvass of general election no later than November 21, 2006. Results for county and local offices are certified as official. Results for state level offices are forwarded to Secretary of State within 24 hours.
- Board of State Canvassers certifies state-level offices no later than November 27, 2006. Board authorizes staff to act on its behalf if recounts are requested.

Petitioning Process

- A candidate who seeks election to a county office, township office, village office, the office of Probate Judge or any other local office on the general election ballot who wishes to obtain a recount must submit a "recount petition" to the county clerk within six days after the Board of County Canvassers certifies the results for the office involved.

A candidate who seeks election to the office of Governor, Secretary of State, Attorney General, U.S. Senator, U.S. Representative in Congress, the office of State Senator, the office of State Representative, State Board of Education, U of M Regents, MSU Trustees, WSU Governors or a judicial office (except Probate Judge) who wishes to obtain a recount must submit a "recount petition" to the Secretary of State within 48 hours after the Board of State Canvassers certifies the results for the office involved.

- Petition must be notarized.
- Petition must claim "fraud or mistake" in the canvass of votes.
- Petition must specify precincts to be recounted. (Can request a "full" recount or "partial" recount.)
- A \$10.00 deposit per precinct must be included with petition. (Deposit returned if election is reversed.)
- Official receiving recount petition (Secretary of State or county clerk) immediately notifies all opponents that recount petition has been filed.

- Opponents can “counter petition” if a partial recount. If original recount petition was submitted on the county level, counter petition must be filed within 48 hours after the submission of original petition. If original recount petition was filed with the Secretary of State, counter petition must be filed by 4:00 p.m. on the seventh calendar day after the submission of original petition. Opponents can also file objections by 4:00 p.m. on the seventh calendar day after submission of original petition. If objections are filed, the canvassing board responsible for conducting the recount holds a hearing to consider the objections.

Coordination of State-Level Recounts; Conduct of Local Recounts

- As soon as the state-level recount deadline elapses, Secretary of State contacts the clerks of the counties where recounts are requested to initiate coordination of recount. Considerations:
 - Date, time and place.
 - Coordination of an orientation/training session with Board of County Canvassers, candidates, and representatives of candidates. (Usually held immediately prior to conduct of recount.)
 - Rules and procedures.
- Counties where recounts will not be conducted under the authority of the Board of State Canvassers are advised to proceed with any local recounts which must be conducted under the authority of Board of County Canvassers.

Conduct of State-Level Recounts

- As soon as arrangements for any requested state-level recounts are complete, a packet of information is forwarded to each candidate giving full details on the coordination of the recount. The counties post recount with notices provided by Bureau.
- At the appointed time and place, the recount is convened and is conducted under the direction of the Board of State Canvassers’ representative.
- The recount process takes place at “work tables.”
 - The number of work tables set up in any given county depends on the number of ballots to be counted. Two to three workers are assigned to each work table.
 - The county is responsible for hiring the personnel needed to staff the work tables.
 - Each candidate can have up to two “challengers” at each work table.
- The ballots are counted under the state laws, rules and policies which govern the process.
 - All ballots are recounted by hand.

- Michigan is not a voter intent state: the voter must follow instructions and cast vote by marking “target area.” Any markings outside of “target area” are not considered.
- If there is a dispute over how a ballot is counted, the ballot is placed in an “exhibit envelope.”
 - Ballot is inspected by Board of County Canvassers who can overrule or uphold how ballot was counted at “work table.” Board votes on each challenged ballot; if a deadlock, manner in which ballot was counted at work table stands.
 - Board’s decision can be appealed to Board of State Canvassers’ representative who can overrule or uphold decision made by Board of County Canvassers.
 - Any decisions made by Board of State Canvassers’ representative can be appealed to Board of State Canvassers when it next convenes.
- Recount must be completed no later than the 30th calendar day after the deadline for submitting a “counter petition.” Recount is halted if original petitioner withdraws.
- If recount is completed, the Board of State Canvassers convenes to hear any challenges which the candidates wish to present. After ruling on any presented challenges, the Board certifies the result of the recount.
- If disputes remain, must be litigated in court.



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**NOTICE TO VOTERS UNABLE TO SATISFY IDENTIFICATION
REQUIREMENT AND/OR RESIDENCE VERIFICATION REQUIREMENT**

-- Instructions for making sure your ballots counts --

As you are subject to an identification requirement and/or a residence verification requirement and were unable to satisfy the requirement in the polling place, special procedures were followed when issuing you a ballot.

To ensure that your ballot counts, you must provide your local city or township clerk with the required information no later than the sixth calendar day after the election. You can appear in person in your city or township clerk's office to show the information, fax the information to the clerk or mail a copy of the information to the clerk. If you do not satisfy the information requirement within six calendar days after the election, your ballot will not count. The following lists the types of documents you can use to satisfy the information requirement:

Documents which satisfy identification requirement if your name did not appear on registration list: A Michigan Driver License; a Michigan Personal Identification Card; any other type of government issued identification card which shows your photo; or an identification card issued by a Michigan university or college which shows your photo.

Documents which satisfy residency requirement if your name did not appear on registration list: Any of the following documents. The document must show your name and your address. The address shown on the document must be in the precinct where you voted:

Michigan Driver License	Current utility bill
Michigan identification card	Current bank statement
Government issued photo identification card	Current paycheck or government check
Photo identification issued by a Michigan university or college	Any other government document*

Documents which satisfy federal identification requirement imposed on first-time mail registrants who have never previously voted in Michigan: A copy of any current and valid photo identification or a copy of a paycheck, government check, utility bill, bank statement or a government document* which lists your name and address.

* Contact your local city or township clerk if you wish to obtain information on the government documents which can be used to satisfy the requirement.



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July 27, 2006

**Procedure for Handling “Envelope” Ballots
Returned to Clerk’s Office**

Within 6 days after the election, the city or township clerk must evaluate each “envelope” ballot voted by the jurisdiction’s voters to determine if the ballot can be counted. When making this determination, the city or township clerk is not permitted to open the PROVISIONAL BALLOT SECURITY ENVELOPE holding the ballot.

I. MISSING REGISTRATION: Determining the validity of an “envelope” ballot issued to an elector whose name did not appear on the precinct’s QVF list

All of the information needed to determine the validity of an “envelope” ballot issued to such an elector is recorded on the four-step procedure form completed by the precinct board.

THE “ENVELOPE” BALLOT CAN BE COUNTED IF:

- A valid voter registration application for the elector is located; the registration application was submitted by the elector on or before the “close of registration” for the election at hand; and the “envelope” ballot voted by the elector was issued in the proper precinct.

OR

- The elector signed the affidavit to affirm that he/she submitted a voter registration application on or before the “close of registration” for the election at hand; the elector identified himself or herself by showing a Michigan Driver License, Michigan Personal Identification Card, other government photo identification card or a photo identification card issued by a Michigan university or college; and the elector confirmed that he or she currently resides in the precinct where the “envelope” ballot was issued by showing 1) one of the above documents OR 2) a current utility bill, current bank statement, current paycheck or government check or any other government document.

Stated in simpler terms, the “envelope” ballot counts if the voter signed the affidavit, confirmed his or her identity with an acceptable form of photo ID AND confirmed his or her residence in the precinct where the “envelope” ballot was issued with the photo ID OR by producing one of the listed alternative documents (current utility bill, current bank statement, current paycheck or government check or any other government document).

SUBMISSION OF PHOTO ID AND RESIDENCE CONFIRMATION DOCUMENT DURING 6-DAY “ENVELOPE” BALLOT EVALUATION PERIOD PERMITTED:

- In an instance where the elector was unable to identify himself or herself by showing a Michigan Driver License, Michigan Personal Identification Card, other government photo identification card or a photo identification card issued by a Michigan university or college, the ballot can be counted if the voter is able to produce an acceptable form of photo ID during the 6-day “envelope” ballot evaluation period. The voter can appear in person in the city or township clerk’s office to show the photo ID, fax the photo ID to the clerk or mail a copy of the photo ID to the clerk. The photo ID must reach the city or township clerk no later than the sixth calendar day after the date of the election.
- In an instance where the elector was unable to confirm that he or she currently resides in the precinct where the “envelope” ballot was issued by showing an acceptable form of photo ID or by producing one of the accepted alternative documents (current utility bill, current bank statement, current paycheck or government check or any other government document), the ballot can be counted if the voter is able to produce an acceptable residence confirmation document during the 6-day “envelope” ballot evaluation period. The voter can appear in person in the city or township clerk’s office to show the document, fax the document to the clerk or mail a copy of the document to the clerk. The document must reach the city or township clerk no later than the sixth calendar day after the date of the election.
- In any instance where an “envelope” ballot is counted because the voter was able to produce the required photo ID and/or residence confirmation document during the 6-day “envelope” ballot evaluation period, the clerk must enter an appropriate notation on the Four-Step Procedure form completed when the voter was issued the “envelope” ballot in the polls.

THE “ENVELOPE” BALLOT CANNOT BE COUNTED IF:

- The elector was unable to identify himself or herself at the polls or during the 6-day “envelope” ballot evaluation period by showing a Michigan Driver License, Michigan Personal Identification Card, other government photo identification card or a photo identification card issued by a Michigan university or college.

OR

- The elector was unable to confirm when in the polls or during the 6-day “envelope” ballot evaluation period that he or she currently resides in the precinct where the “envelope” ballot was issued by showing one of the above documents or a current utility bill, current bank statement, current paycheck or government check or any other government document.

IMPORTANT NOTE REGARDING ELECTORS WHO VOTED IN WRONG PRECINCT:

In any situation where an “envelope” ballot has been issued to a voter who 1) appeared to vote in the wrong precinct and 2) declined to travel to his or her proper precinct to vote, you must make every effort to accurately confirm that the voter did, in fact, vote in the wrong precinct before rejecting the “envelope” ballot as invalid. The evaluation must include a check of the QVF street index to verify that the voter was not assigned to the wrong precinct in error. If a check of the street index reveals that a voter in this situation actually voted in the proper precinct, the “envelope” ballot must be counted.

II. FEDERAL ID REQUIREMENT: Determining the validity of an “envelope” ballot issued to an elector subject to the federal identification requirement

- The “envelope” ballot can be counted if the elector provides one of the following forms of identification during the 6-day “envelope” ballot evaluation period: a current and valid photo identification or a copy of a paycheck, government check, utility bill, bank statement or a government document which lists his or her name and address. The voter can appear in person in the city or township clerk’s office to show the required ID, fax the required ID to the clerk or mail a copy of the required ID to the clerk. In an instance where an “envelope” ballot is counted because the voter was able to produce the required ID during the 6-day “envelope” ballot evaluation period, the clerk must enter an appropriate notation on the PROVISIONAL BALLOT SECURITY ENVELOPE.
- The “envelope” ballot cannot be counted if the voter fails to satisfy the federal ID requirement during the 6-day “envelope” ballot evaluation period.

III. Disposition of valid “envelope” ballots which can be counted

- If the “envelope” ballot can be counted, remove the ballot from the PROVISIONAL BALLOT SECURITY ENVELOPE and remove the stub from the ballot. If a paper ballot, do not unfold the ballot during this step. If an optical scan ballot, do not remove the ballot from its secrecy sleeve during this step.
- Place the ballot in a ballot container.
- After you have placed all of the valid “envelope” ballots that can be counted in the container, remove the ballots and count the valid votes on the ballots.
- After counting the valid votes on the ballots, complete a PROVISIONAL BALLOT REPORT FORM. After completing the form, submit it to the county canvassing

board or local canvassing board as appropriate. The form must be transmitted to the canvassing board no later than the 7th day after the election.

- After recording the valid votes on the “envelope” ballots that can be counted, seal the counted “envelope” ballots and **PROVISIONAL BALLOT SECURITY ENVELOPES** which contained the ballots in a ballot container. Attached a ballot tag to the seal which indicates that the container holds the “envelope” ballots returned after the election which were determined valid and counted. Retain the **PROVISIONAL BALLOT SECURITY ENVELOPES** which were determined invalid and not opened in a separate secure place in your office.



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**PROVISIONAL BALLOT
REPORT FORM**

Jurisdiction: _____ Date of election: _____

- I. Enter, by precinct, the number of provisional ballots which were 1) counted or tabulated in the polls on election day and 2) secured in PROVISIONAL BALLOT SECURITY ENVELOPES for delivery to the clerk's office after the polls closed ("envelope" ballots).

Of those provisional ballots which were secured in PROVISIONAL BALLOT SECURITY ENVELOPES, indicate 1) the number that were determined valid and counted and 2) the number that were determined invalid and not counted.

Precinct #	Number of Provisional Ballots Counted or Tabulated in the Polls	Number of Provisional Ballots Secured in Provisional Ballot Security Envelopes ("Envelope" Ballots)	Number of "Envelope" Ballots Determined Valid	Number of "Envelope" Ballots Determined Invalid

(Attach additional sheets if necessary)

- II. Create an “Envelope Ballot Vote Certification” document and attach it to this form to show the votes counted on the valid “envelope” ballots cast in your jurisdiction. The “Envelope Ballot Vote Certification” document must list 1) the name of each candidate who is entitled to additional votes 2) the precinct where the votes must be added and 3) the number of votes which must be added for each candidate in each affected precinct. (A form developed for tallying and certifying the votes counted on valid “envelope” ballots can be accessed through the Department of State’s website <www.michigan.gov/sos>).

Signature of Clerk or Authorized Assistant

Position

Date

()
Phone Number

**ABSENTEE BALLOTS
-- INFORMATION POSTING --**

DATE OF ELECTION: _____

Complete and post before 8:00 a.m. on election day.

Number of absent voter ballots distributed to absent voters: _____

Number of absent voter ballots returned before election day: _____

Number of absent voter ballots delivered for processing: _____

Complete and post before 9:00 p.m. on election day.

Number of absent voter ballots returned on election day: _____

Number of absent voter ballots returned on election day which
were delivered for processing: _____

Number of absent voter ballots returned both before and on
election day: _____

Number of absent voter ballots returned both before and on
election day which were delivered for processing: _____

Complete and post immediately after all precinct returns are delivered.

Number of absent voter ballots returned by voters: _____

Number of absent voter ballots processed by precinct board(s)
or absent voter counting board(s): _____